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ALEX NICOLAESCU		EXAMINER		
Ericsson Canada Inc.		INGBERG, TODD D		
Patent Department (LMC/M/P)				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,396

Applicant(s)

LEFRANCOIS, CLAUDE

Examiner

Todd Ingberg

Art Unit

2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/19/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1 – 17 have been examined.

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are handwritten. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Information Disclosure Statement

2. The Information Disclosure Statement filed April 19, 2004 has been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 9 and 13 rejected under 35 U.S.C. 102(e) as being anticipated by USPN

#6,948,165 B1, **Luu** et al, filed February 28, 2001.

Claim 1

Luu teaches a method for creating a software installation package for an installation of an Operating System (OS) software program and of an application program on a computer system (Luu, Abstract), the method comprising the steps of:

- a) inserting the application program in a partition data of the OS software program (Luu, Abstract – “data blocks” are the partitions); and
- b) generating the software installation package comprising both the OS software program and the application program (Luu, Fig 1, #36 – Transfer to installer program).

Claim 2

The method of claim 1, further comprising prior to step a) the step of:

- c) determining a location in the partition data of the OS software program where to insert the application program. (Luu, Abstract – locating the data blocks).

Claim 7

The method of claim 1, further comprising, subsequent to step b), the step of:

storing the software installation package on a data storage medium. (Luu, Fig 1, #36 – Transfer to installer program).

Claim 9

A data storage medium comprising a software installation package for an installation of an Operating System (OS) software program and of an application program on a computer system, wherein the software installation package comprises the OS software program and the application program, and wherein the application program is stored in a partition data of the OS software program. See the rejection for claim 1.

Claim 13

A method for using a software installation package for an installation of an Operating System (OS) and of an application program on a computer system, the method comprising the Steps of:

a) starting the computer system on a data storage medium that stores a software installation package for an installation of an OS software program and of an application program, wherein the software installation package comprises the OS software program and the application program, and wherein the application program is stored in a partition data of the OS software program;

b) installing the OS software program on the computer system from the data storage medium;
and

c) installing the application program on the computer system from the data storage medium.

See the rejection for claim 1 – the install of the result of claim 1 – as intended- (Luu, Fig 1, #38 – Execute the installer program).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-6, 10 – 12 and 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN #6,948,165 B1, **Luu et al**, filed February 28, 2001 in view of USPN # 6,934,956 **Allen** filed September 9, 1997.

Motivation to Combine Luu in view Allen

Luu teaches placing more than the OS in an installer by checking bounds and Allen teaches the use of a configuration file. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine Luu and Allen, because configuration files provide more flexibility on install because of the information they harness.

Claim 3

The method of claim 1, further comprising prior to step b) the steps of:

c) inserting a configuration file of the application program in the partition data of the OS software program. (Allen, Fig 2, first box in diagram, which produces the OSI.INF file of figure 4B – required for both OS and other files).

Claim 4

The method of claim 3, further comprising prior to step c) the step of:

d) determining a second location in the partition data of the OS software program where to insert the configuration file of the application program. (Allen, Fig 2, first box in diagram, which produces the OSI.INF file of figure 4B – required for both OS and other files).

Claim 5

The method of claim 4, wherein: step d) comprises the step of:

d.1) identifying a memory disk image in the OS partition data (Luu, Abstract as per claim 1);
step c) comprises the step of:

c.1) inserting the configuration file of the application program in the memory disk image of the partition data of the OS software program (Allen teaches the separation and Luu teaches the use of a configuration file. – see claims 1 and 3).

Claim 6

The method of claim 3, further comprising prior to step b) the step of:

c) updating a boot sector of the OS partition data of the OS software program to reflect a size of the OS software program following the insertion of the configuration file.

(Luu, as per claim 1 - determines the size of the OS image and Allen teaches the combination of operating and software - Abstract).

Claim 10

The data storage medium of claim 9, wherein the OS software program further comprises a configuration file of the application program. See the rejection for claim 3.

Claim 11

The data storage medium of claim 10, wherein the configuration file is stored in a memory disk image of the partition data of the OS software program See the rejection for claim 5.

Claim 14

The method of claim 13, wherein the OS software program further comprises a configuration file of the application program. See the rejection for claim 3.

Claim 15

The method of claim 14, wherein the configuration file is stored in a memory disk image of the partition data of the OS software program. See the rejection for claim 5.

Claim 16

The method claimed in claim 13, further comprising the steps of: d) configuring the application program using information from the configuration file. See the rejection for claim 3.

7. Claims 8, 12 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luu and Allen as applied to claim 1 above, and further in view of USPN # 7,162,628 B2 filed July 23, 2003 with a priority date of July 23, 2002.

Claim 8

Neither Luu or Allen teach the complete set of hardware claimed. It is Gentil who teaches a wide variety of hardware for installation. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine Luu, Allen and Gentil because the ability to write and install from a plurality of devices makes computers more useful. (Gentil, col 8, lines 45 – 55).

The method claimed in claim 7, wherein the data storage medium is a data storage medium selected from the group of data storage media consisting of: a floppy disk, a compact flash card, a PCMCIA card, and a Compact Disk (CD). (Gentil, col 8, lines 45 – 55).

Claim 12

The data storage medium claimed in claim 9, wherein the data storage medium is a data storage medium selected from the group of data storage media consisting of: a floppy disk, a compact flash card, a PCMCIA card, and a Compact Disk (CD). See the rejection for claim 8.

Claim 17

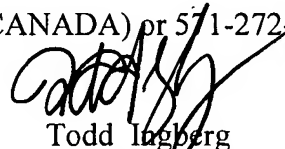
The method claimed in claim 13, wherein the data storage medium is a data storage medium selected from the group of data storage media consisting of: a floppy disk, a compact flash card, a PCMCIA card, and a Compact Disk (CD). See the rejection for claim 8.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd Ingberg whose telephone number is (571) 272-3723. The examiner can normally be reached on during the work week..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Todd Ingberg
Primary Examiner
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